

# **EXHIBIT “2”**

Bay State Inspectional Agency  
220 Winyah Lane  
PO Box 1379  
Vineyard Haven, MA 02568  
**James J. Rogers**

Phone 508-693-4124

Fax 508-693-8322

### **Investigation Report**

#### **History of Investigation**

On , Monday, April 24, 2006 I met with Mr. Thomas Klem of T.J. Klem & Associates and Attorney Gordon L. Sykes, of Morrison, Mahoney LLP in reference to a sprinkler system and fire alarm malfunction that had occurred on January 19, 2003 in a motel building known as the Residence Inn, located on 181 Faunce Corner Road in the Town of North Dartmouth, Massachusetts. The nature of my involvement was to review the actions and responsibilities of TEC Alarm Company relative to this incident.

#### **Observations and Facts**

1. The Residence Inn is a newly constructed motel located at 181 Faunce Corner Road in the Town of North Dartmouth, Massachusetts.
2. This hotel had an automatic sprinkler system and an automatic fire alarm system installed during the construction process.
3. The fire alarm system was installed by Paquette Electric and TEC Alarm Company.
4. Scott R. Duplisea is an employee of TEC Alarm Company and was responsible for the fire alarm system at the subject motel.
5. M.G.L. C. 141 requires that persons performing the type of work that Mr. Duplisea performed at the subject motel, in the Commonwealth of Massachusetts, be licensed by the Board of State Examiners of Electricians.
6. Mr. Duplisea does not hold a license as issued by the Massachusetts Board of State Examiners of Electricians.
7. M.G.L. C. 143, s. 3L mandates that persons performing work as performed by Mr. Duplisea file an electrical permit form and request the necessary electrical inspections.

Neither Mr. Duplisea, nor TEC Alarm Company did this for the work performed at the subject motel.

8. 780 CMR, the Massachusetts State Building Code defines the requirements for the installation of fire alarm systems in buildings such as the subject motel.
9. Among the requirements found in Chapter Nine of the Sixth Edition of the Massachusetts State Building Code are requirements for engineered drawings and submission to the Head of Fire Department and the Building Official prior to commencing work on the installation of a fire alarm system. Neither Mr. Duplisea, nor TEC Alarm Company did this prior to specifying and installing a fire alarm system in the subject motel.
10. M.G.L. C. 148 and 527 CMR 10.00 address the review and acceptance criteria by the Heads of Fire Departments in Massachusetts.
11. NFPA 72 is accepted in Massachusetts by reference only and it is not formally adopted as a complete regulation.
12. Mr. Duplisea allegedly performed a 100 % system test, however, there is no record of that test being performed and he did not print out the alarm event log upon completing that test.

### **Conclusions**

Based upon the above listed evidence and facts the following conclusions can be made.

Mr. Duplisea is not licensed in Massachusetts to perform the work that he admitted to performing at the Residence Inn located in North Dartmouth, Massachusetts. If he had been properly licensed in Massachusetts he would have to be familiar with Massachusetts laws and regulations in order to pass the required examination for licensure. Because he is not familiar with those requirements he has made several assumptions throughout his deposition testimony that are not necessarily correct in Massachusetts, including his rather novel description of the fire department notification system that the Fire Chief in North Dartmouth requires.

Had the work that Mr. Duplisea performed been properly permitted and inspected then the wiring of the system monitoring devices would have had another level of review and any problems may have been rectified prior to becoming a problem.

Mr. Duplisea has not presented any verification that anyone changed any wiring in the system after he left the premises in April of 2002.

I reserve the right to amend or append this report upon the introduction of any additional evidence or findings in this case.

Submitted by:

James J. Rogers,  
President, Bay State Inspectional Agency

Documents relied upon as part of this summary report:

NFPA 72, the National Fire Alarm Code  
780 CMR, The Massachusetts State Building Code  
M.G.L. C.s 141, 143, and 148  
237 CMR Regulations of the Board of State Examiners of Electricians  
527 CMR Regulations of the Board of Fire Prevention Regulations

James J. Rogers  
220 Winyah Lane  
P.O. Box 1379  
Vineyard Haven, MA 02568

Home: 508-693-4124

Work: 508-693-4124

**OBJECTIVE:**

Consultant Position Electrical and Fire Related Profession

**EXPERIENCE:**

November 1996 to Present

Private Contractor, Consultant

October 1989 to October 1996

Executive Secretary - Board of State

Examiners of Electricians - Commonwealth of Massachusetts

January 1977 to October 1989

Owner/Operator electrical contracting company

**TRADE CERTIFICATION:**

Journeyman Electrician February 25, 1973

Master Electrician December 27, 1977

ITT Certified Technician Telephony & Key Systems October 26, 1984

Nationally Certified Electrical Inspector April 21, 1990

NAFI Certified Fire & Explosion Investigator December 10, 2002

Massachusetts Certified Fire Investigator December 20, 2002

IAAI Certified Fire Investigator March 15, 2003

**TRADE RELATED EXPERIENCE:**

January 1990 to 1996

Executive Committee National Board of Electrical Examiners working with multiple states to standardize certification for electricians in all states

June 1982 to present

Town of Tisbury and Town of West Tisbury Wiring Inspector and Assistant Wiring Inspector

Wiring Inspector Town of Oak Bluffs 8/92 to present

September 1984 to present

Instructor for 300 hour, 100 hour and 15 hour required electrical classes

January 1998 to June 2000

Instructor for college level electrical and fire alarm courses at Franklin Institute of Boston

December 1991 to December 1993

Member of Executive Board, Paul Revere Chapter, IAEI

January 1993 to January 2003

Secretary/Treasurer Cape & Islands Chapter, IAEI

October 1993 to 2003

Principal member of the NFPA 303 Committee, standard for docks and marinas.

October 1996 to October 2002

Alternate member NFPA 70, CMP 12, Representing the International Association of Electrical Inspectors

October 2002 to Present

Principal member NFPA 70, CMP 4, Representing the International Association of Electrical Inspectors

September 1996

Elected 4th Vice President to the Eastern Section of the International Association of Electrical Inspectors, Served term as President 2001

January 1997 to present

Treasurer for the Massachusetts Electrical Code Advisory Committee to the Commonwealth of Massachusetts, Board of Fire Prevention Regulations

#### TRADE RELATED AFFILIATIONS:

Active member Municipal Inspectors Association

Active member IBEW Local 103

Active member NFPA Electrical Section

Honorary member MECA

Member Massachusetts Fire Prevention Association

Active Member International Association of Arson Investigators

Active Member National Association of Fire Investigators

#### OTHER ADMINISTRATIVE EXPERIENCE:

Town of Tisbury Finance Committee 3 years

Town of Tisbury Board of Health 5 years

Town of Tisbury Board of Appeals 3 years

Town of Tisbury Fire Department 34 years

Current rank Assistant Chief

#### EDUCATION:

Franklin Institute of Boston, Boston MA, Associate's Degree Electrical Engineering, 1999

Franklin Institute of Boston, Boston MA Applied electricity and electronics, 1971

Martha's Vineyard Regional High School College Prep Course, 1970

Continuing education consisting of code classes and seminars conducted by various groups including NFPA, IAAI and IAEE

#### REFERENCES: Available upon request

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Work: 508-693-4124

**OBJECTIVE:**

Consultant Position Electrical and Fire Related Profession

**EXPERIENCE:**

November 1996 to Present Owner/Operator consulting and contracting companies

- Perform electrical inspections for municipalities and privately
- Perform fire investigations
- Perform electrical consulting and research
- Perform electrical installations

October 1989 to October 1996 Executive Secretary - Board of State Examiners of  
Electricians - Commonwealth of Massachusetts

**Personnel Responsibilities:**

- Work assignment and oversight
- Recommendations on employee advancement, hiring and firing
- Consult with employees regarding their ideas and problems relating to office functions

**Office Responsibilities:**

- Review all applications for examination and licensure to ascertain their proper trade qualifications for licensure
- Interpret electrical code, Board regulations, general laws, and other state regulations when asked to do so by Board investigators, local wiring inspectors, consumers, electricians, lawyers, Attorney General's Office, legislative offices and other state agencies
- Assist the State Fire Marshal in investigations of fires considered to be electrical in nature either directly or through delegation to Board Investigators
- Prepare and keep all Board agendas and minutes
- Develop regulations and legislation for review and approval by the Board to coincide with changes in the industry
- Follow all legislation submitted and report to the Board any legislation which would effect the electrical industry
- Initiate hearing notices and write final decisions for Board hearings regarding licensee misbehavior or appeals of local inspectors code interpretations
- Attend trade related meetings to speak on Board policy and code enforcement and to listen to industry concerns
- Review educational providers to ascertain that they are teaching the proper curriculum

- and review any new requests to provide education to make recommendations to the Board for approval or disapproval
- Investigate situations in the field regarding violations of Massachusetts laws, codes and regulations
- Attend seminars and other state Board meetings so as to remain current with all pertinent changes effecting the electrical industry
- Work with testing service in development and oversight of examinations
- Establish procedures for licensing and examination of fire warning and security system installers
- Establish new subcommittee to review and rewrite the regulations for the Commonwealth of Massachusetts, Board of Fire Prevention Regulations relative to fire warning systems

January 1977 to October 1989

Owner/Operator electrical contracting company

Personnel Responsibilities:

- Hiring and firing of all personnel
- Job assignment and layout
- Consult with employees about personal and work related problems

Office Responsibilities:

- Construct all bills and estimates
- Do all plan reading and consult with engineers or architects
- Prepare letters and reports
- Prepare all material orders
- Coordinate all business functions

#### TRADE CERTIFICATION:

Journeyman Electrician February 25, 1974

Master Electrician December 27, 1977

ITT Certified Technician Telephony & Key Systems October 26, 1984

Nationally Certified Electrical Inspector April 21, 1990

NAFI Certified Fire & Explosion Investigator December 10, 2002

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Wiring Inspector and Assistant Wiring Inspector

Wiring Inspector Town of Oak Bluffs 8/92 to present

September 1984 to present Instructor for 300 hour, 100 hour and 15 hour state required Electrical classes



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Member of Executive Board, Paul Revere Chapter, IAEI

January 1993 to January 2003

Secretary/Treasurer Cape & Islands Chapter, IAEI

October 1993 to present

Principal member of the NFPA 303 Committee, the standard for docks and marinas.

October 1996 to October 2002

Alternate member NFPA 70, CMP 12, Representing the International Association of Electrical Inspectors

October 2002 to Present

Principal member NFPA 70, CMP 4, Representing the International Association of Electrical Inspectors

October 2000 Elected President to the Eastern Section of the International Association of Electrical Inspectors term expires December 31, 2001

January 1998 to present

Instructor of college level electrical theory and fire alarm design courses at Franklin Institute of Boston

October 1998 to present

Instructor of national level electrical training and update courses for the International Association of Electrical Inspectors

September 1992 to present

Instructor of electrical theory and code for IBEW Local 103, NJATC

#### TRADE RELATED AFFILIATIONS:

Member IBEW, Local 103 Active Inspector member and Secretary/Treasurer of Cape & Islands Chapter of IAEI, Active member Municipal Inspectors Association, Active member NFPA electrical section, Active member MECA, Member Massachusetts Fire Prevention Association, Member International Association of Arson Investigators, Member National Association of Fire Investigators

#### OTHER ADMINISTRATIVE EXPERIENCE:

Town of Tisbury Finance Committee 3 years

Town of Tisbury Board of Health 5 years

Town of Tisbury Board of Appeals 3 years

Town of Tisbury Fire Department 34 years

Current rank, Assistant Chief

#### EDUCATION:

Franklin Institute of Boston, Boston Ma.

Associate's Degree in Electrical Engineering, June 1999

Martha's Vineyard Regional High School

College Prep Course, 1970

Continuing education consisting of code classes and seminars conducted by various groups including NFPA, IAAI and IAEI

**Testimony Cases and Dates**

**Christopher Penrod vs. Red Kap Industries and Diamond Uniform Rental Service, Inc. Docket No. 01-0011 Deposition Testimony taken by Robert J. Roughsedge, Esq. on August 17, 2005**

**James McLaughlin and Elanor Zenis vs. John Ehwa, C.A. No. 98-060 Trial Testimony in Middlesex Superior Court, Lowell, Massachusetts on June 18, 2004.**

**James McLaughlin and Elanor Zenis vs. John Ehwa, C.A. No. 98-060 Deposition Testimony taken by Wayne DiCarlo, Esq. on June 2, 2004**

**Francine M. Fletcher, et al. v Stephen Littleton, C.A. No. 95-0867B Trial Testimony in Plymouth Superior Court, Brockton, Massachusetts on November 17 and 18, 2003.**

**Palmer Foundry, Inc. v Delta-HA, USDC No. 02-30003-MAP, Deposition Testimony taken by Mark Lavoie, Esq. on Wednesday, November 5, 2003**

**Peter & Karen Rhoten vs. Robert B. Bechtold and others, Civil Action No. 00-cv-12307-MBB. Trial Testimony in Federal Court in Boston on October 7, 2003.**

**Chubb Group of Insurance Companies, Subrogee of Mr. Julius Friedlaender vs. Bunker Electric, Inc. and Wally Bunker DBA Bunker Electric Deposition Testimony taken by Mark Lavoie, Esq. on Wednesday, April 9, 2003**

**Francine M. Fletcher, et al vs Stephen Littleton Deposition Testimony taken by Michael J. Mazurick, Esq. on Wednesday, February 19, 2003**

**Peter Rhoten and Karen Rhoten for Exoneration from or Limitation of Liability, Deposition by David Farrell, Jr., Esq. and Robert E. Collins, Esq., August 29, 2002**

**Elmer and Ann Silva vs. Black and Decker, Deposition by William N. Clark, Jr., Esq. and Scott J. Tucker, Esq., April 11, 2000**

**Commonwealth vs. Rudolph Walker, Suffolk Superior Trial, Case No. 99-10800 ADA Timothy A. Malec February 4, 2000**

**Tobey et al vs Triglia, Deposition on November 4, 1999**

**Wayne Devine vs. Stephen F. Littleton, etc. Deposition by Edward Mahoney on August 24, 1999**

**Commonwealth vs. Rudolph Walker, Suffolk Superior Grand Jury, Case No. 99-10800 ADA Timothy A. Malec July 20, 1999**

**Commonwealth vs. Charles Truman, Plymouth Superior Court, Case No. 96860-96832 Trial Testimony, April 4, 1999**

**Melissa Banta vs. Commonwealth Electric, Deposition by Timothy J. Daly and David A. McLaughlin on October 28, 1998**

**Francine M. Fletcher vs. Stephen F. Littleton, Norfolk Superior Court Hearing, September 29, 1998**

**Dorothy O'Neill vs. Mary Masi, Deposition by Robert J. O'Neill, September 3, 1998**

**Travelers, Dean College vs. Elisa M. Troisi, Deposition by Timothy Kenneally, June 8, 1998**

**Francine M. Fletcher vs Stephen Littleton, Deposition by Jeffery Melick, Esq. and Michael Rezendes, Esq., March 3, 1998**

**Francine M. Fletcher vs Stephen Littleton, Deposition by Jeffery Melick, Esq. and Michael Rezendes, Esq., February 4, 1998**

**Francine M. Fletcher vs Stephen Littleton, Deposition by Jeffery Melick, Esq. and Michael Rezendes, Esq., January 23, 1998**

**Commonwealth vs. Francois Clermont Case No. 93-11002, Suffolk Superior Court Testimony January 21, 22, 1997**

**Commonwealth vs. Jonathan Taylor, Case No. 945-30-31-32, Plymouth County Superior Court Testimony, November 1995**

**Herbert P. Anderson vs. Loring Paul Fluke, Deposition by Lauri J. Horkitz, Esq. and John Ryan, Esq. on February 14, 1995**

**Commonwealth of Massachusetts, Suffolk County Superior Court, Grand Jury No. SUCR93-11002, Deaths of Sophie, Moise and Marchinson Bellanton Testimony on April 15, 1994**

**Commonwealth of Massachusetts, Suffolk County Superior Court, Grand Jury No. SUCR93-11002 Testimony on November 22, 1993**

Other Training and Education

Electrical Related Training

NFPA Electrical Code Workshop March 28 & 29, 1983

NFPA Electrical Code Workshop September 15 & 16, 1986

IAEI 1987 Code Changes Seminar March 7, 1987

IAEI Annual Code Workshop October 17, 18 & 19, 1988

IAEI Annual Code Workshop September 11, 12, & 13, 1989

IAEI Code Changes Seminar December 9, 1989

IAEI Annual Code Workshop September 10, 11, & 12, 1990

IAEI Annual Code Workshop October 7, 8, & 9, 1991

IAEI Grounding Seminar March 23, 1991

IAEI Annual Code Workshop September 20, 21, 22 & 23, 1992

IAEI Annual Code Workshop October 10, 11, 12 & 13, 1993

IAEI Annual Code Workshop October 2, 3, 4 & 5, 1994

IAEI Annual Code Workshop September 17, 18, 19 & 20, 1995

IAEI Annual Code Workshop September 15, 16, 17, & 18, 1996

IAEI Annual Code Workshop September 7, 8, 9, & 10, 1997

IAEI Annual Code Workshop October 19, 20, 21 & 22, 1998

IAEI Annual Code Workshop October 3, 4, 5 & 6, 1999

IAEI Annual Code Workshop October 1,2,3 & 4, 2000

IAEI Annual Code Workshop October 7,8,9 & 10, 2001

IAEI Annual Code Workshop October 6,7,8 & 9, 2002

IAEI Annual Code Workshop September 7, 8, 9, 10, 11, & 12, 2003

IAEI Annual Code Workshop September 30, October 1, 2, & 3, 2004

IAEI Annual Code Workshop September 25, 26, 27 & 28, 2005

National Certification as Electrical Inspector General and 1 & 2 Family by examination April 21, 1990

Appointed to the NFPA 303 committee on Marinas and Boatyards as an electrical expert October 15, 1993

Appointed as an Alternate Member to NFPA 70, CMP 12 representing IAEI on October 2, 1996

Appointed as Principal Member to NFPA 70, CMP 4 representing IAEI on October 3, 2002

Regular monthly meetings and workshops of the Municipal Wiring Inspector's Association and IAEI.

#### Fire Related Training

Massachusetts Fire Academy Course on Sprinklers March 16, 1975

Massachusetts Fire Academy Course on Flammable Liquids October 5, 1980

Massachusetts Fire Academy Course on Mini Course Combined Training October 23, 1983

Massachusetts Fire Academy Course on Tanker Shuttle/Hydraulics April 8, 1984

Massachusetts Fire Academy Course on Protective Breathing November 18, 1984

Certified Scott Air-Pak Field Repair Technician October 6, 1984

Massachusetts Fire Academy Course on Tactics & Strategy February 10, 1985

Massachusetts Fire Academy Course on Pumps & Hydraulics May 4, 1986

Massachusetts Fire Academy Course on Hazardous Materials April 30, 1989

Massachusetts Fire Academy Course on Hazardous Materials March 11, 1990

Massachusetts Fire Academy Certified by written and practical examination Firefighter I/II November 18, 1992

IAAI Reverse Conspiracy & Gas and Oil Heating Equipment Fires November 19, 1992

IAAI Electrical Fires & Flashover March 23 & 24, 1995

IAAI Electrical Fires: An Investigator's Viewpoint, November 21, 1996

IAAI Post Fire Investigation of Electrical Components, January 17, 2002

IAAI Safety & Health for Fire Investigators, January 15, 2004

IAAI The Scientific Method for Fire and Explosion Investigation, January 29, 2006

Massachusetts Fire Academy Certified by written examination Fire and Arson Investigation  
December 11, 13, 15, 19, and 21, 1995

Massachusetts Fire Academy Certified by written examination Firefighter I Trainer  
September 29, 1996

Massachusetts Fire Academy Course on Rural Water Supply, October 1999

Massachusetts Fire Academy Course on Fire Report Preparation, April 2000

In service training as department engine company officer on a regular basis, including  
assisting as a fire investigator since 1978 and appointment as department investigator in  
July of 1995. Promoted to Assistant Chief July 1, 2002.

Regular monthly meetings of the Board of Fire Prevention Regulations and monthly  
meetings and workshops of the IAAI

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Vineyard Haven, MA 02568

**FEE SCHEDULE**

Consulting:	\$90 per hour
Deposition Testimony:	\$135 per hour
Court Testimony:	\$160 per hour